

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

GESTURE TECHNOLOGY PARTNERS,  
LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 6:21-cv-00121-ADA

**JURY TRIAL DEMANDED**

**ORDER DENYING PLAINTIFF'S MOTION TO  
COMPEL FURTHER VENUE DISCOVERY**

Defendant Apple Inc. filed a Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404(a) on July 30, 2021. Dkt. No. 21. On September 22, 2021, Plaintiff Gesture Technology Partners, LLC served on Apple written venue and jurisdictional discovery pertaining to Apple's motion, including Requests for Production. The venue and jurisdictional discovery period ended on November 15, 2021.

On November 15, 2021, Gesture raised with the Court a discovery dispute regarding certain of its requests for production to Apple. On November 19, 2021, Gesture submitted to the Court a summary of the parties' position on the dispute. In that summary, Gesture requested that the Court compel Apple to produce further documents in response to the following requests for production:

2. Documents sufficient to show location(s) of any and all Apple employees, agents, contractors, or other proxies physically located or residing in Texas.
5. Documents sufficient to identify all Apple employees, agents, contractors, or other proxies who have (a) worked in, (b) resided in, or (c) supported or worked on Apple physical equipment or software located in the Texas . . . , including, . . . documents sufficient to identify each employee's name, title, . . . a description of the employee's responsibilities, . . . employment.

9. Documents sufficient to show any development, support, programming, design or sales and marketing of the Accused Products or Features located in or accessible in Texas during the Relevant Time Period.

Gesture also requested that Apple produce documents within the following categories of documents:

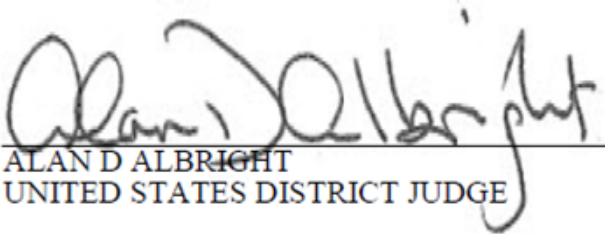
1. Identification of employees in nine groups listed in Apple's venue declaration who Apple claims were instrumental in developing Accused Products.
2. Identification of each Apple employee in Austin.
3. Third-party suppliers in Texas that supply hardware or software in Accused Products.
4. Third-party suppliers in Texas that provided contract engineering services for Accused Products.

Gesture contends that these four categories of documents fall within its prior requests for production. Apple's position is that these four categories of documents do not fall within Gesture's requests for production, and are thus new requests.

On November 22, 2021, the Court held a discovery hearing by Zoom. During that hearing, counsel for Apple represented to the Court that Apple employees who work on the research, design, development, sales, licensing, and marketing of the accused features of the accused products are not located in Texas, and that documents relating to that work were neither created in Texas nor are, or have been, located in Texas.

The Court has reviewed each of Gesture's requests for production and categories of documents for which Gesture is seeking further documents from Apple. Based on this review and the representations from Apple, the Court **DENIES** Gesture's motion to compel as to Gesture's Request for Production Nos. 2, 5, and 9, and the additional categories of documents 1-4 reproduced above.

ORDERED this 30th day of November, 2021.

  
ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE